

**Municipal Review Committee  
Planning & Zoning Conference Room**

**February 28, 2005  
7:00 p.m.**

**Municipal Review Committee Meeting Minutes of February 28, 2005**

Attendance: Phil Sgamma, MRC Chairman  
Lou Depowski, MRC Member  
Jim Callahan  
Sean Hopkins  
Sandy Skaine  
Joanna Pickering  
Tony Barbalato  
Bob Reggentine  
Mike Metzger  
Adam Schwab  
Mike Tripi

Paul Shear, MRC Member  
Matt Balling, MRC Member  
Dan Michnik, MRC Member

Absent: Rich McNamara, MRC Member  
John Moulin, MRC Member

**Minutes of the January 24, 2005 Meeting**

ACTION: Motion by Dan Michnik, seconded by Paul Shear to table action until next meeting and receipt of minutes from January 24, 2005.

VOTING: Ayes: ALL MOTION PASSED

**Unfinished Business**

**Agenda Item I - Walgreen's Pharmacy, 6785 Transit Road**

Jim Callahan informed the Board that Sean Hopkins will be representing the applicant. Jim Callahan updated the Board that the Town has sought Lead Agency Status and referred it out for coordinated review. Jim stated that comments on the proposed project have been received from NYSDEC, NYSDOT and Erie County Dept. of Public Works. Jim announced that the applicant was present to review some of those comments.

Sean Hopkins stated that a letter was submitted from URS Corp. indicating that they have gone out to the property to survey the wetlands on the project site. Due to existing weather conditions the URS Corp. would like to re-survey the land when the weather improves. Sean Hopkins stated "We are quite confident in respect of their opinion that we will not be over the 1/10th of an acre that would require a permit from the Army Corps. of Engineers. Sean Hopkins informed the Board that a report is currently being done regarding the NYSDEC concern of the site being in a potentially sensitive archeological area. Sean Hopkins said he hopes to have both reports completed in time for the next meeting.

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Phil Sgamma questioned Mr. Hopkins if 1/10 of an acre of wetlands is all that is being disturbed. Sean Hopkins confirmed that it would be 1/10 or less of an acre of wetlands.

Sean Hopkins continued to inform the Board that there is no intention to impact the northern section of the site. He stated that a commitment was made in a previous hearing before the Town Board that the northern end of the site would be permanent open space.

Paul Shear stated that there is a concern for the traditional neighborhood, parking in front of the building and the setbacks. He suggested Mr. Hopkins may want to look into this prior to the next meeting. Sean Hopkins responded that his client cannot develop this site as a Walgreen's if there is no flexibility pertaining to parking along the side or rear of building. Sean Hopkins said to mitigate for that impact, they would propose screening and landscaping to hide the parking area. Mr. Hopkins informed the Board that a booklet has been prepared that includes various alternatives as to where the building can be located. Mr. Hopkins said it will be made available to any Board members that wish to view it.

Matt Balling firmly stated that the design that Mr. Hopkins presented does not meet the characteristics of a traditional neighborhood design.

Phil Sgamma questioned the flood zone area and if there is going to be retention ponds and if they are going to be adequate. The Board members requested a copy of the flood map from Mr. Hopkins.

**ACTION:** Motion by Paul Shear, seconded by Matt Balling to table action subject to the applicant providing previously discussed information:

1. Wetland Delineation
2. Archeological Survey
3. Flood Zone Map/Copy of Binder

**VOTING:** Ayes: ALL

**MOTION PASSED**

**Agenda Item II - Demolition at 5329 Green Valley Drive**

Phil Sgamma gave a brief update on the demolition. A full environmental impact assessment form has been filled out. Phil Sgamma stated that Councilman Joe Weiss contacted the applicant. Joe Weiss also investigated movement of the building. The estimated cost to move the building would be approximately \$100,000.00. This does not include the cost for a new foundation. Phil Sgamma said Joe Weiss felt this was not a feasible option. Joe Weiss did give the applicant option to contribute lentils and some of the bricks.

Sandy Skaine felt it is a shame to lose such a landmark. She requested the Town to develop plans that would help preserve such historical sites.

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**ACTION:** Motion by Paul Shear, seconded by Dan Michnik to issue a Negative Declaration regarding 5329 Green Valley Drive.

**QUESTION:** Matt Balling stated that he is voting no to the Negative Declaration because he feels the demolition of this building creates a material conflict with the communities adopted Master Plan.

**VOTING:** Ayes: Sgamma, Depowski, Shear, Michnik  
Nays: Balling

**MOTION PASSED**

**Agenda Item III - Barbalato Open Development Area, North and West of 6830 Heise Road**

Jim Callahan gave a brief description of the proposal. Jim stated the property as Residential A. Jim said, in terms of the process, we did send out for Lead Agency Status. He informed the Board that Bob Reggentine from Land Design is going to update what information has been submitted so far.

Bob Reggentine informed the Board that a “wetland walk over” has been done on the proposed site by Don Wilson of Wilson Environmental Technology. The findings in the report exhibits a map that depicts the areas that concern the wetland delineation.

Phil Sgamma questioned Jim Callahan on the moratorium and segmentation factoring in on this proposal, giving that they come for more than five (5) lots. Jim Callahan responded that the Town Board referred just the portion off of Heise Road for that reason. Jim stated that in terms of SEQRA, an overall development or full impact of the site must be looked at. Jim said that even though Barbalato is considering the portion off of Heise Road, the entire build-out of the site must be looked at. Phil Sgamma also questioned Jim Callahan what is typically required by the applicant in a scenario where Federal wetlands are involved. Jim Callahan responded that they will have to delineate.

Paul Shear clarified that the proposal would be six (6) lots on the west side of Heise Road. It would be a four (4) lot open development with two (2) frontage lots. Eventually, four (4) additional lots in the back, for a total of ten (10).

**ACTION:** Motion by Lou Depowski, seconded by Dan Michnik to table proposal pending Wetland Delineation and if necessary, an Archeological Survey.

**VOTING:** Ayes: ALL

**MOTION PASSED**

**New Business**

**Agenda Item I - Joe Floss Office Building - 6465 Transit Road**

Jim Callahan gave a brief description of the proposed site. The rear of property is zoned commercial. Jim stated that Joe Floss currently owns the existing office building in the front of property. He said that immediately to the north is the project that has previously received a Negative Declaration which is the Bevilacqua Professional Office Building Park. Jim said that Mr. Floss is proposing a second office building on his property to the rear of the site.

The Board discussed the lighting and appropriate screening to buffer residential properties to the east. Also discussed, providing appropriate access management between commercial uses.

**ACTION:** Motion by Matt Balling, seconded by Paul Shear to issue a Negative Declaration on this proposed action based on conformance with the Master Plan and proposed zoning, adequate screening, and appropriate access management between commercial uses.

**VOTING:** Ayes: ALL

**MOTION PASSED**

### **Agenda Item II - Harris Hill Animal Hospital - 8470 Main Street**

Jim Callahan gave a brief description of the proposed site. The property is located on Main Street, west of Harris Hill and on the North side of Main Street. The property is zoned commercial.

Adam Schwaab of Silvestri Architects stated the project is on over 6/10 of an acre. Adam Schwaab said they are proposing to build a new animal hospital on the existing property, just behind the current building. The proposed new building would be 4,676 square feet. The site plan shows 21 parking spaces in the front of the building, with a septic system in the back.

Matt Balling suggested to Mr. Schwaab to construct some sort of walkway that would connect the building entrance to the right of way. He also suggested a 3 or 4 foot wide planting strip for planting shrubbery to provide some barrier and snow storage.

**ACTION:** Motion by Lou Depowski, seconded by Dan Michnik to issue a Negative Declaration on this proposed action with the stipulation that Adam Schwaab provide a pedestrian access to Main Street and approval of the Planning Board for a set back in the traditional neighborhood zone.

**VOTING:** Ayes: ALL

**MOTION PASSED**

### **Agenda Item III - Demolition Permit - 7980 Northfield Road**

Jim Callahan distributed EAF for Lombardo demolition for discussion at the next meeting.

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ACTION: Motion by Paul Shear, seconded by Matt Balling to table the issue until review of EAF and receipt of historical information on the structure.

VOTING: Ayes: ALL

MOTION PASSED

**Agenda Item IV - Subdivision Law**

Jim Callahan prepared and distributed Part 2 / Part 3 of EAF for review and action at the next meeting.

ACTION: Motion by Paul Shear, seconded by Matt Balling to table the issue until review of Part 2 / Part 3 of EAF.

VOTING: Ayes: ALL

MOTION PASSED

The Board established their next meeting date as March 21, 2005.

Motion by Dan Michnik, seconded by Matt Balling to adjourn meeting at 8:35 p.m.